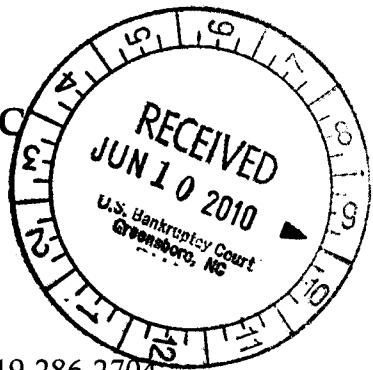


PRA RECEIVABLES MANAGEMENT, LLC

P.O. Box 41067 Norfolk, VA 23541-1067
PHONE (877) 829-8298 FAX (757) 961-3500



June 7, 2010

Edward Boltz , Esq
1738-D Hillandale Road
Durham, NC 27705

By Facsimile Transmission: 919-286-2704

RE: Donald Jay McCauley
09-81025

We are in receipt of your objection to claim #9 of Portfolio Recovery Associates, LLC. Enclosed, please find documentation to further substantiate our claim. Please review and, if sufficient, consider withdrawing your objection. We will also amend the claim to include this documentation upon your approval. We have also sent a separate request for consent to withdraw claim #10 as it is a duplicate of claim #9.

If I may be of any further assistance, please do not hesitate to contact me.

Thank you for your attention to this matter.

A handwritten signature in black ink that appears to read "Kimberly Gray".

Kimberly Gray
Bankruptcy Processing Clerk II
Portfolio Recovery Associates, LLC
PRA Receivables Management, LLC
P.O. Box 41067
Norfolk, VA 23541
877-829-8298 ext. 12140
kgray@portfoliorecovery.com

CC:

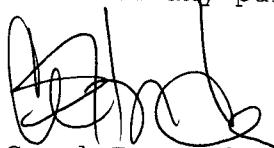
Richard M. Hutson, II, Chapter 13 Trustee
Clerk of Court, US Bankruptcy Court

AFFIDAVIT REGARDING CONSUMER ACCOUNT PURCHASE

State of Virginia
(AT LARGE) ss.

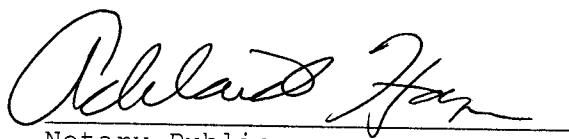
Carol E. Hardy, Vice President of Bankruptcy, PRA Receivables Management, LLC, being first sworn, deposes and says as follows:

1. Affiant is a Vice President for PRA Receivables Management, LLC, agent for Portfolio Recovery Associates, LLC, which is doing business at 130 Corporate Boulevard, Norfolk VA 23502, and that she is authorized to make the statements and representations herein.
2. On or prior to 09/24/2009 there was due and payable from MCCUALEY; DONALD, to FIA CARD SERVICES, N.A. ("Seller"), account number XXXX-XXXX-XXXX-1083, in accordance with the terms of the credit agreement.
3. The said account was, on 09/24/2009, sold, transferred, and set over unto Portfolio Recovery Associates, LLC, with full power and authority to do and perform all acts necessary for the collection, settlement, adjustment, compromise or satisfaction of the said claim. Further, Affiant states that to the best of Affiant's knowledge, information and belief there were no uncredited payments, just counterclaims or offsets against the said debt when purchased. Further, the affiant acknowledges that Portfolio Recovery Associates, LLC is the owner of said account and all interest therein, and that Portfolio Recovery Associates, LLC has complete authority to settle, adjust, compromise and satisfy the same and that Seller has no further interest in said debt for any purpose.



Carol E. Hardy, Vice President of Bankruptcy
PRA Receivables Management, LLC

The above affidavit was subscribed and sworn to before me, a Notary Public, This 7th day of June, 2010



Notary Public

Adelaide Hageman
Notary Public
Commonwealth of Virginia
My Commission Expires 9/30/2011
Registration No. 7127297

My commission expires: 9-30-2011

Elon University

Prepared for: DONALD MCCUALEY
Account Number: 1083

February 2009 Statement
Credit Line: \$21,000.00
Cash or Credit Available: \$589.76



Finance Charge Schedule

Category	Promotional Transaction Types	Daily Periodic Rate	Corresponding Annual Percentage Rate	APR Type	Balance Subject to Finance Charge
Balance Transfers		0.027370%	9.99%	S	\$0.00
Cash Advances		0.068486%	24.99%	S	\$0.00
Purchases		0.027370%	9.99%	S	\$20,801.75

Annual Percentage Rate for this Billing Period:

(Includes Periodic Rate Finance Charges and Transaction Fee Finance Charges that results in an APR which exceeds the Corresponding APR above.)

9.99%

APR Type Definitions: APR Type: S= Standard APR (APR normally in effect)

Elon University

Prepared for: DONALD MCCUALEY
 Account Number: 1083

March 2009 Statement
 Credit Line: \$21,000.00
 Cash or Credit Available: \$827.79



Account Information

Summary of Transactions	
Previous Balance	\$20,410.24
Payments and Credits	- \$400.00
Purchases and Adjustments	+ \$0.00
Periodic Rate Finance Charges	+ \$161.97
Transaction Fee Finance Charges	+ \$0.00
New Balance Total	\$20,172.21

Billing Cycle and Payment Information	
Days in Billing Cycle	29
Closing Date	03/21/09
Payment Due Date	04/16/09
Current Payment Due	\$362.00
Past Due Amount	+ \$0.00
Total Minimum Payment Due	\$ 362.00

Customer Service

For Information on Your Account Visit:
www.bankofamerica.com
 Call toll-free 1-800-789-6685
 TDD hearing-impaired 1-800-346-3179
 Mail Payments to:
BANK OF AMERICA
 P.O. BOX 15019
 WILMINGTON, DE 19886-5019
 Mail Billing Inquiries to:
BANK OF AMERICA
 P.O. BOX 15026
 WILMINGTON, DE 19850-5026

Transactions

Payments and Credits	Promotional Offer ID	Posting Date	Transaction Date	Reference Number	Account Number	Amount
PAYMENT - ELECTRONIC		03/16				400.00 CR

WORLDPOINTS
 0 MONTHLY EARNINGS
 0 BONUS POINTS THIS MONTH
 21,243 POINTS AVAILABLE

Important Information About Your Account

ENJOY SPECIAL DISCOUNTS AT HERTZ.COM WHEN YOU USE CDP# 180018.

TAX TIME IS HERE! CALL 1-866-491-1142 FOR DELIVERY OF THE 2008 YEAR-END SUMMARY
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WWW.MASTERCARD.COM/BILLPAY

18 0201722100036200000400000000

1083

Check here for a change of mailing address or phone number(s).
 Please provide all corrections on the reverse side.

Payment Information

ACCOUNT NUMBER: 1083

NEW BALANCE TOTAL: \$20,172.21
 PAYMENT DUE DATE: 04/16/09

TOTAL MINIMUM PAYMENT DUE
 \$362.00

Enter Payment Amount Enclosed:

\$

Mail this payment coupon along with a
 check or money order payable to: BANK OF AMERICA

DONALD MCCUALEY
 262 THORNCREST DR
 TIMBERLAKE NC 27583-8491-625

105240222501*

1083**

Elon University

Prepared for: DONALD MCCUALEY
Account Number: 1083

March 2009 Statement
Credit Line: \$21,000.00
Cash or Credit Available: \$827.79



Finance Charge Schedule

Category	Promotional Transaction Types	Daily Periodic Rate	Corresponding Annual Percentage Rate	APR Type	Balance Subject to Finance Charge
Balance Transfers		0.027370%	9.99%	S	\$0.00
Cash Advances		0.068486%	24.99%	S	\$0.00
Purchases		0.027370%	9.99%	S	\$20,405.83

Annual Percentage Rate for this Billing Period:

(Includes Periodic Rate Finance Charges and Transaction Fee Finance Charges that results in an APR which exceeds the Corresponding APR above.)

APR Type Definitions: APR Type: S= Standard APR (APR normally in effect)

Elon University

Prepared for: DONALD McCAULEY
 Account Number: 1083

April 2009 Statement

Credit Line: \$21,000.00
 Cash or Credit Available: \$616.87



Account Information

Summary of Transactions

Previous Balance	\$20,172.21
Payments and Credits	-\$0.00
Purchases and Adjustments	+\$39.00
Periodic Rate Finance Charges	+\$171.92
Transaction Fee Finance Charges	+\$0.00
New Balance Total	\$20,383.13

Billing Cycle and Payment Information

Days in Billing Cycle	31
Closing Date	04/21/09
Payment Due Date	05/15/09
Current Payment Due	\$412.00
Past Due Amount	+\$362.00
Total Minimum Payment Due	\$ 774.00

Customer Service

For information on Your Account Visit:

www.bankofamerica.com

Call toll-free 1-800-789-8885

TDD hearing-impaired 1-800-346-3178

Mail Payments to:

BANK OF AMERICA

P.O. BOX 15728

WILMINGTON, DE 19886-5728

Mail Billing Inquiries to:

BANK OF AMERICA

P.O. BOX 15028

WILMINGTON, DE 19850-5028

Transactions

Purchases and Adjustments	Promotional Offer ID	Posting Date	Transaction Date	Reference Number	Account Number	Amount
LATE FEE FOR PAYMENT DUE 04/16		04/16	04/16	0172		39.00

WORLDPOINTS
 0 MONTHLY EARNINGS
 0 BONUS POINTS THIS MONTH
 21,243 POINTS AVAILABLE

Important Information About Your Account

YOUR PAYMENT WAS NOT RECEIVED BY THE DUE DATE. TO AVOID FUTURE FEES OR RATE INCREASES, PLEASE MAKE YOUR PAYMENTS ON TIME AND REMAIN UNDER YOUR CREDIT LIMIT. REMEMBER, IF TWICE IN 12 MONTHS YOUR PAYMENT IS RECEIVED AFTER THE DUE DATE AND/OR YOUR CREDIT LIMIT IS EXCEEDED, YOUR APR MAY INCREASE.

YOU'VE BEEN ISSUED A CUSTOMER THANK-YOU. GO TO WWW.MYBONUSCENTER.COM/44627 FOR DETAILS AND TO MAKE YOUR SELECTIONS. ACT NOW BEFORE IT EXPIRES ON JUNE 5, 2009.

ENJOY SPECIAL DISCOUNTS AT HERTZ.COM WHEN YOU USE CDP# 160018.

18 0203831300077400000400000000

1083

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 Please provide all corrections on the reverse side.

Payment Information

ACCOUNT NUMBER: 1083

NEW BALANCE TOTAL: \$20,383.13

PAYMENT DUE DATE: 05/15/09

TOTAL MINIMUM PAYMENT DUE
\$774.00

Enter Payment Amount Enclosed:

\$

Mail this payment coupon along with a check or money order payable to: BANK OF AMERICA

DONALD McCAULEY

262 THORNCREST DR
 TIMBERLAKE NC 27583-8491-825

15240222501

10831*

Elon University

Prepared for: DONALD McCAULEY
Account Number: 1083

April 2009 Statement
Credit Line: \$21,000.00
Cash or Credit Available: \$616.87



Finance Charge Schedule

Category	Promotional Transaction Types	Daily Periodic Rate	Corresponding Annual Percentage Rate	APR Type	Balance Subject to Finance Charge
Balance Transfers		0.027370%	9.99%	S	\$0.00
Cash Advances		0.068466%	24.99%	S	\$0.00
Purchases		0.027370%	9.99%	S	\$20,262.80

Annual Percentage Rate for this Billing Period:

(Includes Periodic Rate Finance Charges and Transaction Fee Finance Charges that results in an APR which exceeds the Corresponding APR above.)

APR Type Definitions: APR Type: S= Standard APR (APR normally in effect)

Elon University

Prepared for: DONALD McCAULEY
 Account Number: 1083

May 2009 Statement
 Credit Line: \$21,000.00
 Cash or Credit Available:



Account Information

Summary of Transactions	
Previous Balance	\$20,383.13
Payments and Credits	-\$0.00
Purchases and Adjustments	+\$39.00
Periodic Rate Finance Charges	+\$162.47
Transaction Fee Finance Charges	+\$0.00
New Balance Total	\$20,584.60

Billing Cycle and Payment Information	
Days in Billing Cycle	29
Closing Date	05/20/09
Payment Due Date	06/14/09
Current Payment Due	\$405.00
Past Due Amount	+\$774.00
Total Minimum Payment Due	\$ 1,179.00

Customer Service

For Information on Your Account Visit:
www.bankofamerica.com
 Call toll-free 1-800-789-6685
 TDD hearing-impaired 1-800-348-3178
 Mail Payments to:
 BANK OF AMERICA
 P.O. BOX 15019
 WILMINGTON, DE 19886-5019
 Mail Billing Inquiries to:
 BANK OF AMERICA
 P.O. BOX 15026
 WILMINGTON, DE 19850-5026

Transactions

Purchases and Adjustments	Promotional Offer ID	Posting Date	Transaction Date	Reference Number	Account Number	Amount
LATE FEE FOR PAYMENT DUE 05/15		05/15	05/15	0383		39.00

WORLDPOINTS
 0 MONTHLY EARNINGS
 0 BONUS POINTS THIS MONTH
 21,243 POINTS AVAILABLE

Important Information About Your Account

YOUR PAYMENT WAS NOT RECEIVED BY THE DUE DATE. TO AVOID FUTURE FEES OR RATE INCREASES, PLEASE MAKE YOUR PAYMENTS ON TIME AND REMAIN UNDER YOUR CREDIT LIMIT. REMEMBER, IF TWICE IN 12 MONTHS YOUR PAYMENT IS RECEIVED AFTER THE DUE DATE AND/OR YOUR CREDIT LIMIT IS EXCEEDED, YOUR APR MAY INCREASE.

OUR RECORDS SHOW YOUR ACCOUNT IS PAST DUE

Finance Charge Schedule

Category	Promotional Transaction Types	Daily Periodic Rate	Corresponding Annual Percentage Rate	APR Type	Balance Subject to Finance Charge
Balance Transfers		0.027370%	9.99%	S	\$0.00
Cash Advances		0.066468%	24.99%	S	\$0.00
Purchases		0.027370%	9.99%	S	\$20,489.50

Annual Percentage Rate for this Billing Period:
 (Includes Periodic Rate Finance Charges and Transaction Fee Finance Charges that results in an APR which exceeds the Corresponding APR above.) 9.99%

APR Type Definitions: APR Type: S= Standard APR (APR normally in effect)

18 020584600011790000040000000

1083

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 Please provide all corrections on the reverse side.

Payment Information

ACCOUNT NUMBER:	1083
NEW BALANCE TOTAL: \$20,584.60	
PAYMENT DUE DATE: 06/14/09	
TOTAL MINIMUM PAYMENT DUE	\$ 1,179.00
Enter Payment Amount Enclosed	
\$	

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DONALD McCAULEY
 101 PLANTERS CREEK DR
 MYRTLE BEACH SC 29579-8229

15240222501 1083

Elon University

Prepared for: DONALD McCUALEY
 Account Number: 1083

May 2009 Statement
 Credit Line: \$21,000.00
 Cash or Credit Available:



Account Information	
Summary of Transactions	
Previous Balance	\$20,383.13
Payments and Credits	-\$0.00
Purchases and Adjustments	+\$39.00
Periodic Rate Finance Charges	+\$162.47
Transaction Fee Finance Charges	+\$0.00
New Balance Total	\$20,584.60

Billing Cycle and Payment Information	
Days in Billing Cycle	29
Closing Date	05/20/09
Payment Due Date	06/14/09
Current Payment Due	\$405.00
Past Due Amount	+\$774.00
Total Minimum Payment Due	\$ 1,179.00

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For information on Your Account Visit: www.bankofamerica.com
Call toll-free 1-800-789-6685
TDD hearing-impaired 1-800-346-3178
Mail Payments to: BANK OF AMERICA P.O. BOX 15019 WILMINGTON, DE 19886-5019
Mail Billing Inquiries to: BANK OF AMERICA P.O. BOX 15026 WILMINGTON, DE 19850-5026

Transactions						
	Promotional Offer ID	Posting Date	Transaction Date	Reference Number	Account Number	Amount
Purchases and Adjustments LATE FEE FOR PAYMENT DUE 05/15		05/15	05/15	0383		39.00

WORLDPOINTS
 MONTHLY EARNINGS
 BONUS POINTS THIS MONTH
 21,243 POINTS AVAILABLE

Important Information About Your Account

YOUR PAYMENT WAS NOT RECEIVED BY THE DUE DATE. TO AVOID FUTURE FEES OR RATE INCREASES, PLEASE MAKE YOUR PAYMENTS ON TIME AND REMAIN UNDER YOUR CREDIT LIMIT. REMEMBER, IF TWICE IN 12 MONTHS YOUR PAYMENT IS RECEIVED AFTER THE DUE DATE AND/OR YOUR CREDIT LIMIT IS EXCEEDED, YOUR APR MAY INCREASE.

OUR RECORDS SHOW YOUR ACCOUNT IS PAST DUE

Finance Charge Schedule						
Category	Promotional Transaction Types	Daily Periodic Rate	Corresponding Annual Percentage Rate	APR Type	Balance Subject to Finance Charge	
Balance Transfers		0.027370%	9.99%	S	\$0.00	
Cash Advances		0.068466%	24.99%	S	\$0.00	
Purchases		0.027370%	9.99%	S	\$20,489.50	

Annual Percentage Rate for this Billing Period:

(Includes Periodic Rate Finance Charges and Transaction Fee Finance Charges that results in an APR which exceeds the Corresponding APR above.)

APR Type Definitions: APR Type: S= Standard APR (APR normally in effect)

18 020584600011790000040000000

1083

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 Please provide all corrections on the reverse side.

Payment Information	
ACCOUNT NUMBER:	1083
NEW BALANCE TOTAL: \$20,584.60	
PAYMENT DUE DATE: 06/14/09	
TOTAL MINIMUM PAYMENT DUE \$1,179.00	
Order Payment Amount Enclosed \$	

Mall this payment coupon along with a check or money order payable to: BANK OF AMERICA

DONALD McCUALEY
 101 PLANTERS CREEK DR
 MYRTLE BEACH SC 29579-8229

18 5240 222501

1083

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Donald McCauley
Social Security No.: xxx-xx-7484
Address:
101 Planters Creek Drive, Myrtle Beach, SC 29579-

Case No. 09-81025-
Chapter 13

Debtor

OBJECTION TO CLAIM

NOW COMES the Debtor above-named, through counsel, who respectfully object to the proof of claim #9 filed by the creditor PRA Receivables Management, L.L.C., as agent for FIA Card Services, N.A. AKA Bank of America (hereinafter referred to as "PRA") and dated July 7, 2009, for the following reasons:

1. The Proof of Claim filed by PRA, does not, in contravention of Federal Bankruptcy Rule 3001(c), include a copy of the writing upon which is based or a statement of the circumstances under which such writing was lost or destroyed.
2. Accordingly, pursuant to In re Andrews, 394 B.R. 384, 388 (Bankr. E.D.N.C. 2008), this claim should not be considered presumptively valid.
3. Further, pursuant to In re Forrest, Case No. 06-01967-8-RDD (Bankr. E.D.N.C. May 22, 2009) and Unifund CCR Partners v Dover, 681 S.E.2d 565, 2009 WL 2180672 (N.C.App. July 21, 2009) the Proof of Claim does not satisfy the requirements for an account stated, namely that the Proof of Claim does not include an "itemization of credit extended to cover individual transactions." Id.
4. Further, the Proof of Claim contains no verification that either PRA or Dolores Garcia, who prepared this Proof of Claim is "in any way connected to the establishment or maintenance of the alleged credit card account..." Id.
5. Lastly, this claim is duplicative of Claim #10 also filed by PRA on July 7, 2009.

WHEREFORE, the Debtor prays that the Court enter an Order disallowing the claim in its entirety and that the Court preclude PRA from amending its claim without first seeking leave to do so.

Dated: May 12, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward Boltz

Edward Boltz
North Carolina State Bar No.: 23003
1738-D Hillandale Rd.
Durham, NC 27705
(919) 286-1695
eboltz@johnorcutt.com

Case 09-81025 Doc 35 Filed 05/12/10 Page 1 of 2

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Donald McCauley
Social Security No.: xxx-xx-7484
Address:
101 Planters Creek Drive, Myrtle Beach, SC 29579.

Case No. 09-81025- -
Chapter 13

Debtor

CERTIFICATE OF SERVICE

I, Ed Boltz, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on May 12, 2010. I served copies of the foregoing **OBJECTION TO CLAIM** by certified mail, return receipt requested addressed to the following parties:

PRA Receivables Management, L.L.C., as agent for FIA Card Services, N.A. AKA Bank of America
Attn: Managing Agent
Post Office Box 41067
Norfolk, VA 23541

and by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II
Chapter 13 Trustee

/s Ed Boltz

Ed Boltz

PRA RECEIVABLES MANAGEMENT, LLC

P.O. Box 41067 Norfolk, VA 23541-1067
PHONE (877) 829-8298 FAX (757) 961-3500

June 7, 2010

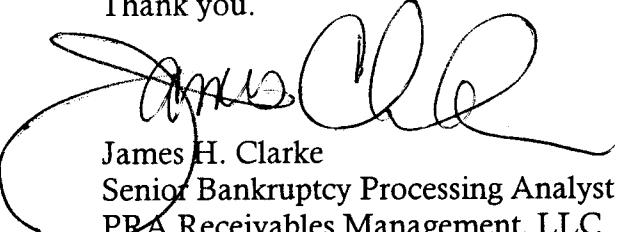
Edward Boltz, Esq.
1738-D Hillandale Rd.
Durham, NC 27705

RE: 09-81025 McCauley
Objection to claim #10

We are in receipt of your objection to claim #10 of Portfolio Recovery Associates, LLC as being a duplicate of claim #9 of Portfolio Recovery Associates, LLC. We have reviewed both claims and have determined that they are, indeed, duplicative of each other. We request your consent allowing us to withdraw claim #10 from this case.

Please advise at your earliest convenience whether you will allow us to withdraw claim #10 from the above-referenced case.

Thank you.


James H. Clarke
Senior Bankruptcy Processing Analyst
PRA Receivables Management, LLC
Portfolio Recovery Associates, LLC
PO Box 41067
Norfolk, VA 23541
877-829-8298 ext. 12112
jhclarke@portfoliorecovery.com